

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WILLIAM JAMES COKE SR.,

Plaintiff,

-against-

CHIEF MEDICAL OFFICER AND DEPUTY  
COMMISSIONER CARL J. KOENIGSMAN;  
MEDICAL DIRECTOR ROBERT  
BENTIVEGNA; MEDICAL DIRECTOR  
FREDRICK BERNSTEIN; PRIMARY CARE  
PROVIDER YELENA KORBKOVA; MEDICAL  
DIRECTOR DEBRA GEER; SHELLY  
MALLOZZI, GRIEVANCE PROGRAM AND  
DIRECTOR; NURSE CHRISTINE RAFFAELE,  
COUNSEL'S OFFICE (RETIRED),

Defendants.

19-CV-10038 (PMH)

ORDER

PHILIP M. HALPERN, United States District Judge:

On May 15, 2020, Defendants filed a motion to dismiss Plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). (Doc. 36). On June 16, 2020, Plaintiff filed an opposition to Defendants' motion to dismiss. (Doc. 40). That same day, Plaintiff filed a "Notice of Motion." (Doc. 39). Plaintiff's motion requests that two Defendants—Shelly Mallozzi and Christine Raffaele—named in Plaintiff's Amended Complaint, but not Plaintiff's initial Complaint be served with Plaintiff's Amended Complaint. Because Plaintiff is proceeding in forma pauperis Plaintiff is entitled to rely on the Court and the U.S. Marshals Service to effect service. *See Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013). Accordingly, by separate Order, the Court will order Defendants Mallozzi and Raffaele be served with Plaintiff's Amended Complaint.

Additionally, to the extent that Plaintiff wishes to add new factual allegations against the Defendants named in Plaintiff's Amended Complaint, Plaintiff can seek leave to further amend

his Amended Complaint pursuant to Fed. R. Civ. P. 15(a)(2). If Plaintiff wants to further amend his Amended Complaint to add new factual allegations, claims, or Defendants he can write a letter to the Court within 30 days seeking permission to do so.

Defendants are directed to mail a copy of this Order to Plaintiff and provide proof of service on the docket. The Clerk is instructed to terminate ECF No. 39. SO ORDERED.

Dated: June 24, 2020  
New York, New York

A handwritten signature in black ink, appearing to read 'PHM', followed by a long, sweeping diagonal stroke.

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PHILIP M. HALPERN  
United States District Judge

**DEFENDANTS AND SERVICE ADDRESSES**

1. Shelly Mallozzi, Grievance Program and Director  
Harriman State Campus  
1220 Washington Avenue  
Albany, NY 12226
2. Nurse Christine Raffaele, Counsel's Office (Retired)  
New York State Department of Corrections and Community Supervision  
1220 Washington Avenue, Building 2  
Albany, NY 12226